



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Group 1755

David A. Spivak

Examiner Wood, Elizabeth D.

Serial No. 10/005,664

Filing Date November 8, 2001

For: Palladium-Catalyzed Cross-Coupling of Aryldiazonium Salts with Arylsilanes
(File No. 9926 Spivak)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT OF DAVID A. SPIVAK

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

David A. Spivak, being duly sworn, deposes and says:

CERTIFICATE

I hereby certify that this Affidavit of David A. Spivak is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 13, 2004.


John H. Runnels
Registration No. 33,451

August 13, 2004

1.

I, David A. Spivak, am the inventor of the above-identified patent application. I make this Affidavit in support of that application.

2.

I was one of two co-authors of D. Spivak *et al.*, "Palladium catalyzed cross-coupling of silyl enol-ethers with arenediazonium salts," Poster presented at the April 1-5, 2001 meeting of the American Chemical Society in San Diego California (the "**Poster**"). I was also one of two co-authors of D. Spivak *et al.*, "Palladium catalyzed cross-coupling of silyl enol-ethers with arenediazonium salts," Abstract of poster presented at the April 1-5, 2001 meeting of the American Chemical Society in San Diego California (the "**Abstract**").

3.

The Poster was neither published, nor otherwise presented publicly, prior to the April 2001 meeting. The Abstract was mailed to meeting participants a few weeks prior to the April 2001 meeting. While I do not currently know the precise date when the Abstract was mailed to meeting participants, in accordance with the usual practices of the American Chemical Society concerning meeting abstracts, that mailing date would likely have been approximately February or March 2001. I have no reason to believe that the Abstract was published or otherwise made publicly available before November 8, 2000, the date that was one year prior to the filing date of the present application.

4.

I am the sole inventor of the inventions claimed in this patent application, and of any aspects of the claimed inventions that are described in the Poster or the Abstract.

5.

The considerations for listing authors on a poster that is presented at a meeting of a scientific society are different from the strict considerations that I am informed are involved in identifying the inventor or inventors in a United States patent application. The co-author on the Poster and Abstract, Ryan L. Simon, learned of the claimed inventions from me, but is not an inventor of any of the claimed inventions.

6.

At the time, Ryan L. Simon was a graduate student in my research group. Under my direction, Mr. Simon carried out the *in situ* laboratory synthesis that is described in the Poster. Mr. Simon was named as a co-author on the Poster and Abstract in recognition of that work. Mr. Simon played no role in the conception of the cross-coupling reactions that are claimed in the present application.

7.

All statements made in this Affidavit of my own knowledge are true. All statements made in this Affidavit on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issuing from that application.



David A. Spivak

August 12, 2004

SWORN TO AND SUBSCRIBED
before me this 12th day
of August, 2004



NOTARY PUBLIC
John H. Runnels

My commission expires at death.

John H. Runnels
NOTARY PUBLIC
State of California
Commission No. 12345678
Expires August 12, 2004